



STATE OF WEST VIRGINIA  
OFFICE OF THE GOVERNOR  
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EARL RAY TOMBLIN  
GOVERNOR

March 6, 2015

**VIA HAND DELIVERY**

The Honorable Tim Armstead  
Speaker, West Virginia House of Delegates  
Room 228M, Building 1  
State Capitol Complex  
Charleston, WV 25305

Re: Enrolled Committee Substitute for House Bill No. 2010

Dear Speaker Armstead:

Pursuant to the provisions of section fourteen, article VII of the Constitution of West Virginia, I hereby disapprove and return the Enrolled Committee Substitute for House Bill No. 2010 on technical grounds.

First, § 3-1-17(b) appears to be missing the words, "There shall be elected" at the beginning of the subsection. Without this phrase, this subsection is incomplete. Likewise, § 3-4A-11a(b)(3) is ambiguous and appears to be missing language. As a result, the provisions of this section are unclear, leaving the reader to make assumptions about the instructions provided in this section.

Next, § 3-10-3(c) addressing appointment of a magistrate when a vacancy occurs, contains an incorrect reference to section one, article six, chapter fifty, related to enforcement of judgments.

Moreover, the bill's title may be inadequate. The title does not provide notice of the changes to the West Virginia Supreme Court of Appeals Public Campaign Financing Program in article twelve, chapter three. Specifically, the title simply provides for the "continuing applicability" of the program; however, the title does not give notice of the revision in the amount of financing available to a candidate running in a contested election or the removal of funding available to a candidate running in an uncontested election. Additionally, the title contains the following duplicative provisions, "providing for the commencement of terms of office" and "providing the timing of commencement of terms of office for justices of the Supreme Court of Appeals, circuit judge, family court judge and magistrate."

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Further, § 3-5-13a, page 19, line 11, contains an extra comma after "Attorney General" and line 12 contains an extra comma after "House of Delegates." Likewise, § 6-5-1, page 36, line 11, contains an extra comma after "clerks of the circuit."

Additionally, § 3-5-13(5) contains references to the Board of Education that are inconsistently and incorrectly capitalized. Page 18, lines 131-132, state "board of Education" and line 136 states "board of education"; these references should be capitalized. Similarly, § 6-5-1 contains inconsistent capitalization on page 36, lines 3-5, referring to the state superintendent of free schools, treasurer, and commissioner of agriculture; all these titles should be capitalized. Finally, § 3-12-14(a)(6), page 33, line 26, contains reference to the auditor; Auditor should be capitalized. These titles are correctly capitalized throughout the remainder of the bill, consistent with established legislative bill drafting guidelines.

Lastly, § 6-5-1, page 36, line 9, states "judges of the Supreme Court of Appeals"; this should state "justices" instead of "judges."

Sincerely,

A handwritten signature in black ink, reading "Earl Ray Tomblin". The signature is fluid and cursive, with the first name "Earl" being the most prominent.

Earl Ray Tomblin  
Governor

cc: The Hon. William P. Cole, III  
President of the Senate

The Hon. Natalie E. Tennant  
Secretary of State